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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

ALTERNATIVE LEGAL SOLUTIONS, INC.,
an Oregon corporation, dba **COMPLI**,

Plaintiff,

v.

**FERMAN MANAGEMENT SERVICES
CORPORATION**, a Florida corporation;
MOSAIC INTERACTIVE, LLC, a Florida limited
liability company;
STEPHEN B. STRASKE II, individually, and
JAMES S. GANTHER, individually,

Defendants.

Civil No. 3:07-cv-880-ST

**PLAINTIFF'S OBJECTIONS TO
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS**

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Plaintiff Alternative Legal Solutions, Inc., dba Compli ("Compli") respectfully submits the following objections to Magistrate Stewart's Findings and Recommendations ("F&R"):

I. STANDARD OF REVIEW

When no objections are filed, the Court may assume the correctness of the Magistrate Judge's finding of fact and decide the motions on the applicable law. *Avratin v. Bermudez*, 420 F.Supp.2d 1121 (S.D. Cal. 2006), *citing*, *Campbell v. United State Dist. Court*, 501 F.2d 196, 201 (9th Cir. 1974); *Johnson v. Nelson*, 142 F.Supp.2d 1215, 1217 (S.D. Cal. 2001.) Under such circumstances, the Court need not conduct a *de novo* review of the Magistrate Judge's factual findings, but must still review the conclusions of law *de novo*. *Id.*, *citing*, *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1996), *overruled on other grounds by Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996).

II. OBJECTIONS TO THE MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATIONS

Magistrate Stewart recommended that the District Court grant defendants' Summary Judgment Motion to dismiss three claims from plaintiff's First Amended Complaint:

1. One count under plaintiff's First Claim for Relief for violation of the Computer Fraud and Abuse Act (§ 1030(a)(5)(A)(ii) and (iii)) (F&R pp. 19–21);
2. The Fourth Claim for Relief which alleges that defendants Steve Straske, James Ganther and Mosaic, Inc. have tortiously interfered with plaintiff's contract with Ferman Management Services, Inc. (F&R pp. 28–34); and
3. The Fifth Claim for Relief which alleges that all defendants tortiously interfered with plaintiff's actual and prospective business relationships (F&R pp. 28–34).

Magistrate Judge Stewart's recommendations to grant summary judgment on these claims are solely based on questions of law. Therefore, consistent with the standard stated above, the District Court must conduct a *de novo* review each of these recommendations. Nonetheless, in an abundance of caution, plaintiff objects to the Magistrate Judge's Findings and Recommendations on each of these claims. In support of its Objections, plaintiff relies on Plaintiff's Memorandum in Opposition to Defendants' Motion for Partial Summary Judgment (Docket #167) at pages 19 through 20 and 28 through 29.

DATED: May 22, 2009.

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By: /s/ Jon P. Stride

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CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing PLAINTIFF'S OBJECTIONS TO
MAGISTRATE'S FINDINGS AND RECOMMENDATIONS on:

Kimberlee C. Morrow
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☒ by electronic means through the Court's Case Management/Electronic Case
File system on the date set forth below.

DATED: May 22, 2009.

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